

DEBEVOISE & PLIMPTON LLP

919 Third Avenue  
New York, NY 10022  
Tel 212 909 6000  
Fax 212 909 6836  
www.debevoise.com

July 16, 2012

**BY ELECTRONIC DELIVERY**

Hon. David R. Homer  
U.S. District Court for the Northern District of New York  
James T. Foley - U.S. Courthouse  
445 Broadway  
Albany, New York 12207

**James T. Thorpe, Sr., et al. v. Mountain Range Farms, L.P., et al.,  
No. 1:12-CV-0293 (GLS/DRH)**

Your Honor:

We represent the Defendants in the above-referenced action. We are pleased to inform the Court that the parties have reached a settlement and, as of July 11, 2012, have fully executed a written settlement agreement. Pursuant to its terms, the settlement agreement will be presented to the Court for approval (because it involves FLSA claims) following the submission of a settlement payment to Plaintiffs' counsel, which will be held in escrow pending approval. The settlement agreement provides that this payment must be submitted by August 1, 2012 and that Plaintiffs' counsel must submit the agreement to the Court for approval within two days after that.

Given that the settlement agreement has been fully executed, we do not believe there is any reason at this time for Defendants to respond to Plaintiffs' complaint, nor for the parties to otherwise expend resources on this litigation, except as necessary to seek approval of the settlement. Unfortunately, Defendants have been unable to obtain Plaintiffs' consent for a stipulated extension of their time to respond to Plaintiffs' complaint.

Accordingly, we respectfully request that the Court adjourn Defendants' time to answer or otherwise respond to the complaint to September 4, 2012. This should allow sufficient time both for the parties to undertake the steps contemplated by the executed settlement agreement and for the Court to consider the parties' request for judicial approval of the settlement.

Hon. David R. Homer

2

July 16, 2012

Thank you very much for your attention to this matter. We look forward to presenting the settlement agreement to the Court soon.

Respectfully yours,

/s/ Jyotin Hamid  
Jyotin Hamid

cc: Mark T. Walsh, Esq. (by email)  
*Counsel for Plaintiffs*